

**REMARKS**

Reconsideration of the application and Claims 1-9 as filed and the new claims submitted herewith, respectfully is requested. Claims 1-9 remain and new Claims 10-14 have been added in the application to further clarify the claimed invention.

The Examiner rejected Claims 1-9 under 35 USC § 103 as obvious over Gowan (U.S. Patent No. 5,343,712) (hereinafter "Gowan '712") combined with Brimer (U.S. Patent No. 4,784,212) (hereinafter "Brimer '212"). The Examiner stated that:

"In regard to claims 1-6 and 9, Gowan discloses a temperature controller for facilitating the storage of wine. Referring now to Figs 1 and 2, a temperature controller 10 for converting a refrigeration unit 12 of the type including an electrically powered chiller 14, a chilled compartment 16, user actuated temperature selecting means, temperature display means 30 and a thermostat 18 for controlling operation of the chiller 14. During the cooling intervals, the temperature of the chilled compartment is lowered to the user-selected temperature in stages. Fig.3 illustrates the sensed temperature of a chilled compartment 16 versus time. However, Gowan does not disclose prescribed course. Brimer et al. Disclose prescribed constant rate in the same field of endeavor for the purpose of adjusting temperature stepwise. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Gowan with a

prescribed constant rate in view of Brimer et al. so as to adjust temperature in stages."

Applicants agree that Gowan '712 discloses the admitted prior art and Applicants agree with the Examiner that Gowan '712 "does not disclose prescribed course" and further does not disclose the invention as claimed in present Claim 1. The Examiner then relies on Brimer '212 to provide the structure and function missing in Gowan '712. Applicants do not disagree that Brimer '212, which is directed to a building energy control system is at all analogous to Applicants' claimed invention and do not agree that there is any reason or motivation to combine Brimer '212 with Gowan '712. Gowan '712 is directed to "(I) white wine serving temperature (47° F.), (II) wine (red or white) storage temperature (53° F.), and (III) red wine serving temperature (63° F.)" col5, lines 29-31. In the position II, Gowan '712 is directed to a storage condition, which is not suggestive of Applicants' claimed invention, which specifically is directed to cooling or heating of wine from a storage environment. The invention as claimed in Claim 1 is not shown or suggested by either Gowan '712 or Brimer '212 and Claim 1 as well as Claims 2-6 and 9 clearly are allowable.

The Examiner further stated that:

"In regard to claims 7 and 8, it is not patentable, however, to discover the optimum of workable ranges of the cooling rate by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955), MPEP Section 2144.05(IIA). Also, Gowan discloses the sensed temperature of the chilled

compartment versus time and the cooling rate is about 0.7K/h."

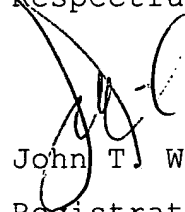
Applicants do not agree that the specific rates in Claims 7 and 8 are not patentable, but in any case Claims 7 and 8 are dependent from allowable Claim 1 and also are allowable.

New Claims 10-14 have been added in the application to further clarify the claimed invention. No new matter has been added and a new Fig. 3 and description has been added as supported originally on pages 9 and 10. Further, new Claims 10-14 are dependent from allowable independent Claim 1 and are also clearly allowable.

Claims 1-14 are now in the application and now are clearly allowable.

If the Examiner has any questions regarding this response, the Examiner is requested to contact the undersigned.

Respectfully submitted



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